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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 December 2008</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-31</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-31</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 12/04/2008 have been fully considered but they are

not persuasive.

Regarding **claim 1-31**, applicant claims that the combination of McKissick and

Danker would change the principle of operations of McKissick.

In response to applicant's argument that there is no suggestion to combine the

references, the examiner recognizes that obviousness can only be established

by combining or modifying the teachings of the prior art to produce the claimed

invention where there is some teaching, suggestion, or motivation to do so found

either in the references themselves or in the knowledge generally available to

one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596

(Fed. Cir. 1988)and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.

1992).

In this case, the examiner maintains that the rejection under the combination of

McKissick and Danker is appropriate. First of all, the applicant argues that the

cited modifications of Danker (multiplexing a message, video and audio together)

would change the principle of operation of McKissick since the messages would

no longer be stored on a server to be accessed by the intended recipients.

However, the disclosure in McKissick does contemplate such scenario as

disclosed on paragraph [0083]:

[0083] The decoded data may then be used by the set-
top box application to determine whether an option
exists for the user to send a message to a TV program
entity based on the received data. The data decoded by
the set-top box also can indicate which message
options are available and the return path or
destination address to which the messages can be sent
(e.g. the e-mail address of a television program
entity which is designated to receive and process the
messages from the users). If desired, <u>TV message
information may be provided using</u> an out-of-band data
path. <u>Such information may also be provided as a
digital data stream that accompanies other streams of
digital data (such as digital data for various
television programs).</u>

Paragraph [0083] clearly points out that that television messages may be

streamed together with auido and video digital content. It is well known is the art

to multiplex different streams of data together into a single stream since

bandwidth and resources may be used more efficiently. Therefore, the

combination of McKissick and Danker is appropriate.

Claim Objections

2.   **Claim 11** is objected to because of the following informalities: The applicant

claims "... wherein the plurality of destination set top boxes including the second

destination set top box." which appears to be an incomplete feature statement.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 1 – 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over

McKissick et al. (Pub No US 2007/0124795) in view of Danker et al. (Pub No US

2003/0208777) further in view of Oshita (Patent No US 5,796,441). Hereinafter

referenced McKissick, Danker and Oshita, respectively.

Regarding **claim 1**; McKissick discloses a method of communicating comprising:

receiving a text message from a user of a source set top box (Paragraphs [0076] [0131]

figs 3 and 19);

transmitting the text message from the source set top box to an exchange

(Paragraph [0077] fig 3; message server 118);

wherein said text message includes an identifier of a destination set top box

(Paragraphs [0094] [0095] figs 6B and 14),

wherein said text message includes an identifier of said source set top box

(Paragraph [0130] fig 18),

and broadcasting said output transport stream to the destination set top box

(Paragraph [0083]; the message may be provided as a digital data stream that

accompanies other streams such as TV programs, i.e. video and audio).

However, it is noted that McKissick fails to explicitly disclose that a plurality of

data packets include said text message, an identifier of said source set top box, an

identifier of a destination set top box for the text message, forwarding said plurality of

data packets to a multiplexor; multiplexing said plurality of data packets and audio data

and video data into an output transport stream and broadcasting said output transport

stream to a plurality of destination set top boxes, the plurality of destinations set top

boxes including the destination set top box for the text message.

Nevertheless, in a similar field of endeavor Danker discloses that the plurality of

data packets include said text message (Paragraphs [0003] [0011] [0016] fig 1),

an identifier of said source set top box (Paragraph [0032] also exhibited on figure

2, client identification),

an identifier of a destination set top box for the text message, (Paragraph [0012]

also exhibited on figure 1);

forwarding said plurality of data packets to a multiplexor (Paragraphs [0014]

[0015] figs 1 and 2);

multiplexing said plurality of data packets and audio data and video data into an

output transport stream (Paragraphs [0014] [0015] figs 1 element 24);

and broadcasting said output transport stream to a plurality of destination set top

boxes, the plurality of destinations set top boxes including the destination set top box for

the text message (Paragraphs [0006] [0014] [0016] also exhibited on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify McKissick by specifically providing the elements

mentioned above, as taught by Danker, for the purpose of allowing the transportation of

the messages through the cable distribution infrastructure together with regular

television programming, which avoids the need to include extra transmission mediums.

However, it is noted that McKissick and Danker still fail to explicitly disclose

packetizing a message data into a plurality of data packets, and wherein said data

packets include packet header information.

Nevertheless, in a similar field of endeavor Oshita discloses packetizing a

message data into a plurality of data packets, and wherein said data packets include

packet header information (Col. 1 lines 65-67, col. 2 lines 1-5)

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify McKissick and Danker by specifically providing

the elements mentioned above, as taught by Oshita, for the purpose of implementing a

component that bundles the data and formats it for delivery over the network, optimizing

the media streams against packet loss.

Regarding **claim 2**; McKissick, Danker and Oshita disclose the method of claim 1; however, McKissick and Danker fail to explicitly disclose assigning a reserved program identifier to the data packets, and wherein the output transport stream is an MPEG-2 format.

Nevertheless, in a similar field of endeavor Oshita discloses assigning a reserved program identifier to the data packets, and wherein the output transport stream is an MPEG-2 (Col. 1 lines 62-67, col. 2 lines 1-5, col. 3 lines 7-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick and Danker by specifically providing the elements mentioned above, as taught by Oshita, for the purpose of allowing the packets to reach the right recipients implementing a well known video format.

Regarding **claim 3**; McKissick, Danker and Oshita disclose the method of claim 2; moreover, McKissick discloses receiving the broadcasted output transport stream at each of the destination set top box (Paragraphs [0063] [0127] fig 18).

However, it is noted that McKissick fails to explicitly disclose comparing the reserved program identifier to an identifier of each of the destination set top boxes; and responsive to the comparison, displaying the text message at each destination set top box having an identifier that matched the reserved program identifier.

Nevertheless, in a similar field of endeavor Danker discloses comparing the reserved program identifier to an identifier of each of the destination set top box (Paragraphs [0003] [0016] fig 1);

and responsive to the comparison, displaying the text message at each

destination set top box having an identifier that matched the reserved program identifier

(Paragraphs [0016] [0017] fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify McKissick by specifically providing the elements

mentioned above, as taught by Danker, for the purpose of making sure that only the

receivers allowed to received a message have access to it.

Regarding **claim 4**; McKissick, Danker and Oshita disclose the method of claim

2; however, McKissick fails to explicitly disclose the step of demultiplexing the data

packets, audio data and video data from the transport stream.

Nevertheless, in a similar field of endeavor Danker discloses the step of

demultiplexing the data packets, audio data and video data from the transport stream

(Paragraphs [0016] [0017] [0025]).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify McKissick by specifically providing the elements

mentioned above, as taught by Danker, for the purpose of allowing users to retrieve the

receive content locally.

Regarding **claim 5**; McKissick, Danker and Oshita disclose the method of claim

3; moreover, McKissick discloses receiving said broadcasted output transport stream at

each of the destination set top box (Paragraph [0083] fig 3). Furthermore, Danker

further supports receiving said broadcasted output transport stream at each of the

destination set top box (Paragraphs [0006] [0014] fig 1).

Regarding **claim 6**; McKissick, Danker and Oshita disclose the method of claim

1; moreover, McKissick discloses that said transmitting is done via telephone or cable

(Paragraph [0013] and [0051] also exhibited on fig 3).

Regarding **claim 7**; McKissick, Danker and Oshita disclose the method of claim

3; moreover, McKissick discloses that said broadcasting is done via satellite, cable, or

wireless (Paragraph [0013] and [0051] also exhibited on fig 3; link 18 may be a satellite

link, a cable link, a microwave link, or a telephone link).

Regarding **claim 8**; McKissick, Danker and Oshita disclose the method of claim

5; moreover, McKissick discloses that said receiving is done via satellite, cable, or

wireless (Paragraph [0013] and [0051] also exhibited on fig 3; link 18 may be a satellite

link, a cable link, a microwave link, or a telephone link).

Regarding **claim 9**; McKissick, Danker and Oshita disclose the method of claim

4; however, McKissick fails to explicitly disclose demultiplexing said broadcasted, output

transport stream at each of the destination set top boxes into said text message.

Nevertheless, in a similar field of endeavor Danker discloses demultiplexing said

broadcasted, output transport stream at each of the destination set top boxes into said

text message (Paragraphs [0016] [0017] [0025]).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify McKissick by specifically providing the elements

mentioned above, as taught by Danker, for the purpose of allowing users to retrieve the

receive content locally.

Regarding **claim 10**; McKissick discloses a method of communicating

comprising: receiving a text message from a first source set top box (Paragraphs [0076]

[0131] figs 3 and 19);

wherein said text message includes an identifier of a first destination set top box

(Paragraphs [0094] [0095] figs 6B and 14),

wherein said text message includes an identifier of said first source set top box

(Paragraph [0130] fig 18).

However, it is noted that McKissick fails to explicitly disclose that said plurality of

data packets include said text message, an identifier of a first destination set top box for

the text message, an identifier of said first source set top box; forwarding said plurality

of data packets to multiplexor that produces a transport stream containing the data

packets, audio data and video data; and broadcasting the transport stream to a plurality

of destination set top boxes, the plurality of destination set top boxes including the first

destination set top box.

Nevertheless, in a similar field of endeavor Danker discloses that the plurality of data packets include said text message (Paragraphs [0003] [0011] [0016] fig 1),

an identifier of a first destination set top box for the text message, (Paragraph [0012] also exhibited on figure 1);

an identifier of a first source set top box (Paragraph [0032] also exhibited on figure 2, client identification),

forwarding said plurality of data packets to a multiplexor that produces a transport stream containing the data packets, audio data and video data (Paragraphs [0014] [0015] figs 1 and 2);

and broadcasting the transport stream to a plurality of destination set top boxes, the plurality of destination set top boxes including the first destination set top box (Paragraphs [0006] [0014] [0016] also exhibited on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Danker, for the purpose of allowing the transportation of the messages through the cable distribution infrastructure together with regular television programming, which avoids the need to include extra transmission mediums.

However, it is noted that McKissick and Danker still fail to explicitly disclose packetizing a message data into a plurality of data packets, and wherein said data packets include packet header information.

Nevertheless, in a similar field of endeavor Oshita discloses packetizing a
message data into a plurality of data packets, and wherein said data packets include
packet header information (Col. 1 lines 65-67, col. 2 lines 1-5)

Therefore, it would have been obvious to one of ordinary skill in the art at the
time the invention was made to modify McKissick and Danker by specifically providing
the elements mentioned above, as taught by Oshita, for the purpose of implementing a
component that bundles the data and formats it for delivery over the network, optimizing
the media streams against packet loss.

Regarding **claim 11**; McKissick, Danker and Oshita disclose the method of claim
10; moreover, McKissick discloses the step of receiving another text message from a
second source set top box (Paragraphs [0128] [0129] figs 3 and 18);

wherein said text message includes an identifier of a second destination set top
box (Paragraphs [0094] [0095] figs 6B and 14),

wherein said text message includes an identifier of said second source set top
box (Paragraph [0130] fig 18).

However, it is noted that McKissick fails to explicitly disclose that said plurality of
data packets include said text message from the second source set top box, an
identifier of a second destination set top box for the text message, an identifier of said
second source set top box; and wherein the plurality of destination set top boxes
including the second destination set top box.

Nevertheless, in a similar field of endeavor Danker discloses that the plurality of

data packets include said text message from the second source set top box

(Paragraphs [0003] [0011] [0016] fig 1),

an identifier of a second destination set top box for the text message, (Paragraph

[0012] also exhibited on figure 1);

an identifier of a second source set top box (Paragraph [0032] also exhibited on

figure 2, client identification),

and wherein the plurality of destination set top boxes including the second

destination set top box (Paragraphs [0006] [0014] [0016] also exhibited on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify McKissick by specifically providing the elements

mentioned above, as taught by Danker, for the purpose of allowing the transportation of

the messages through the cable distribution infrastructure together with regular

television programming, which avoids the need to include extra transmission mediums.

Regarding **claim 12**; McKissick, Danker and Oshita disclose the method of claim

11; moreover, McKissick discloses that said receiving is via telephone (Paragraph

[0013] and [0051] also exhibited on fig 3; link 18 may be a satellite link, a cable link, a

microwave link, or a telephone link), and further comprising:

receiving the broadcasted transport stream at each of the destination set top

boxes (Paragraph [0074] fig 2A).

However, it is noted that McKissick fails to explicitly disclose comparing the

identifiers of the first and second destination set top boxes contained in the data

packets to an identifier of each of the destination set top boxes that received the

broadcasted output transport stream; responsive to the comparison, displaying the text

message from the first source set top box at the destination set top box having an

identifier that matches the identifier of the first destination set top box and displaying the

text message from the second source set top box at the destination set top box having

an identifier that matches the identifier of the second destination set top box.

Nevertheless, in a similar field of endeavor Danker discloses comparing the

identifiers of the first and second destination set top boxes contained in the data

packets to an identifier of each of the destination set top boxes that received the

broadcasted output transport stream (Paragraphs [0016] [0017] fig 1; since a message

is broadcasted to all the receivers in a network, a token uniquely identifies the one or

more receiving client devices);

responsive to the comparison, displaying the text message from the first source

set top box at the destination set top box having an identifier that matches the identifier

of the first destination set top box and displaying the text message from the second

source set top box at the destination set top box having an identifier that matches the

identifier of the second destination set top box (Paragraphs [0016] [0017] fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify McKissick by specifically providing the elements

mentioned above, as taught by Danker, for the purpose of allowing the transportation of

the messages through the cable distribution infrastructure together with regular

television programming, which avoids the need to include extra transmission mediums.

Regarding **claim 13,** McKissick, Danker and Oshita disclose all the limitations of

claim 13; therefore, claim 13 is rejected for the same reasons as in claim 8.

Regarding **claim 14**; McKissick discloses a method of communicating

comprising: receiving a plurality of text message, wherein said plurality of text

messages originated at a plurality of source set top boxes (Paragraphs [0076] [0131]

figs 3 and 19);

wherein said text message includes an identifier of an intended destination set

top box for each of the text messages (Paragraphs [0094] [0095] figs 6B and 14),

wherein said text message includes an identifier of the source set top box for

each of the text messages (Paragraph [0130] fig 18),

and broadcasting said output transport stream (Paragraph [0083]; the message

may be provided as a digital data stream that accompanies other streams such as TV

programs, i.e. video and audio).

However, it is noted that McKissick fails to explicitly disclose that the plurality of

data packets include the text messages, an identifier of an intended destination set top

box for each of the text messages, an identifier of the source set top box for each of the

text messages; multiplexing said plurality of data packets, audio data and video data

into an output transport stream; and broadcasting said output transport stream to a

plurality of destination set top boxes, the plurality of destinations set top boxes including the intended destination set top box for each of the text messages.

Nevertheless, in a similar field of endeavor Danker discloses that the plurality of data packets include the text messages (Paragraphs [0003] [0011] [0016] fig 1),

an identifier of an intended destination set top box for each of the text messages (Paragraph [0032] also exhibited on figure 2, client identification),

an identifier of the source set top box for each of the text messages (Paragraph [0012] also exhibited on figure 1);

multiplexing said plurality of data packets, audio data and video data into an output transport stream (Paragraphs [0003] [0011] [0015] [0016] fig 1)

and broadcasting said output transport stream to a plurality of destination set top boxes, the plurality of destinations set top boxes including the intended destination set top box for each of the text messages (Paragraphs [0006] [0014] [0016] on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Danker, for the purpose of allowing the transportation of the messages through the cable distribution infrastructure together with regular television programming, which avoids the need to include extra transmission mediums.

However, it is noted that McKissick and Danker still fail to explicitly disclose packetizing a message data into a plurality of data packets.

Nevertheless, in a similar field of endeavor Oshita discloses packetizing a message data into a plurality of data packets (Col. 1 lines 65-67, col. 2 lines 1-5)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick and Danker by specifically providing the elements mentioned above, as taught by Oshita, for the purpose of implementing a component that bundles the data and formats it for delivery over the network, optimizing the media streams against packet loss.

Regarding **claim 15**; McKissick, Danker and Oshita disclose the method of claim 14; moreover, McKissick discloses that said plurality of text messages are received via telephone or cable (Paragraph [0013] and [0051] also exhibited on fig 3; link 18 may be a satellite link, a cable link, a microwave link, or a telephone link).

However, it is noted that McKissick fails to explicitly disclose that the output transport stream is an MPEG-2 format.

Nevertheless, in a similar field of endeavor Oshita discloses that the output transport stream is an MPEG-2 format (Col. 1 lines 62-67, col. 3 lines 7-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick and Danker by specifically providing the elements mentioned above, as taught by Oshita, for the purpose of allowing the packets to reach the right recipients implementing a well known video format.

Regarding **claims 16 and 17,** McKissick, Danker and Oshita disclose all the limitations of claims 16 and 17; therefore, claims 16 and 17 are rejected for the same reasons as in claims 7 and 9, respectively.

Regarding **claim 18**; McKissick, Danker and Oshita disclose the method of claim

14; moreover, McKissick discloses receiving the broadcasted output transport stream at

each of the destination set top boxes (Paragraphs [0076] [0131] figs 3 and 19);

However, it is noted that McKissick fails to explicitly disclose comparing the

identifiers of the intended destination set top boxes contained in the received output

stream to an identifier of the destination set top boxes; and displaying each of the text

messages at the destination set top box having an identifier that matches the identifier

of the intended destination set top box for the text message.

Nevertheless, in a similar field of endeavor Danker discloses comparing the

identifiers of the intended destination set top boxes contained in the received output

stream to an identifier of the destination set top boxes (Paragraphs [0016] [0017] fig 1;

since a message is broadcasted to all the receivers in a network, a token uniquely

identifies the one or more receiving client devices);

and displaying each of the text messages at the destination set top box having

an identifier that matches the identifier of the intended destination set top box for the

text message (Paragraphs [0016] [0017] fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify McKissick by specifically providing the elements

mentioned above, as taught by Danker, for the purpose of allowing the transportation of

the messages through the cable distribution infrastructure together with regular

television programming, which avoids the need to include extra transmission mediums.

Regarding **claim 19,** McKissick, Danker and Oshita disclose all the limitations of claim 19; therefore, claim 19 is rejected for the same reasons as in claim 15.

Regarding **claim 20**; McKissick discloses a system for communicating comprising: a service station adapted to receive a plurality of text messages sent from a plurality of source set top boxes (Paragraphs [0076] [0077] fig 3; message server 118),

wherein said text message includes an identifier of an intended destination set top box for each of the text messages (Paragraphs [0094] [0095] figs 6B and 14),

wherein said text message includes an identifier of the source set top box for each of the text messages (Paragraph [0130] fig 18),

and broadcasting means for broadcasting said output transport stream to a plurality of destination set top boxes (Paragraph [0083]; the message may be provided as a digital data stream that accompanies other streams such as TV programs, i.e. video and audio).

However, it is noted that McKissick fails to explicitly disclose that the plurality of data packets include the text messages, an identifier of an intended destination set top box for each of the text messages, an identifier of the source set top box for each of the text messages; a multiplexor in communication with said service station adapted to multiplex said plurality of data packets, audio data and video data into an output transport stream; and broadcasting said output transport stream to a plurality of destination set top boxes, the plurality of destinations set top boxes including the intended destination set top box for each of the text messages.

Nevertheless, in a similar field of endeavor Danker discloses that the plurality of

data packets include the text messages (Paragraphs [0003] [0011] [0016] fig 1),

an identifier of an intended destination set top box for each of the text messages

(Paragraph [0032] also exhibited on figure 2, client identification),

an identifier of the source set top box for each of the text messages (Paragraph

[0012] also exhibited on figure 1);

a multiplexor in communication with said service station adapted to multiplex said

plurality of data packets, audio data and video data into an output transport stream

(Paragraphs [0003] [0011] [0015] [0016] fig 1)

and broadcasting said output transport stream to a plurality of destination set top

boxes, the plurality of destinations set top boxes including the intended destination set

top box for each of the text messages (Paragraphs [0006] [0014] [0016] on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify McKissick by specifically providing the elements

mentioned above, as taught by Danker, for the purpose of allowing the transportation of

the messages through the cable distribution infrastructure together with regular

television programming, which avoids the need to include extra transmission mediums.

However, it is noted that McKissick and Danker still fail to explicitly disclose

packetizing a message data into a plurality of data packets.

Nevertheless, in a similar field of endeavor Oshita discloses packetizing a

message data into a plurality of data packets (Col. 1 lines 65-67, col. 2 lines 1-5)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick and Danker by specifically providing the elements mentioned above, as taught by Oshita, for the purpose of implementing a component that bundles the data and formats it for delivery over the network, optimizing the media streams against packet loss.

Regarding **claim 21**; McKissick, Danker and Oshita disclose the method of claim 20; moreover, McKissick discloses that said broadcasting means is a satellite (Paragraph [0013] and [0051] also exhibited on fig 3; link 18 may be a satellite link, a cable link, a microwave link, or a telephone link).

However, it is noted that McKissick fails to explicitly disclose that the output transport stream is an MPEG-2 format.

Nevertheless, in a similar field of endeavor Oshita discloses that the output transport stream is an MPEG-2 format (Col. 1 lines 62-67, col. 3 lines 7-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick and Danker by specifically providing the elements mentioned above, as taught by Oshita, for the purpose of allowing the packets to reach the right recipients implementing a well known video format.

Regarding **claims 22 and 23**, McKissick, Danker and Oshita disclose all the limitations of claims 22 and 23; therefore, claims 22 and 23 are rejected for the same reasons as in claim 7.

Regarding **claim 24;** McKissick, Danker and Oshita disclose the method of claim 20; moreover, McKissick discloses that said plurality of text messages received by said service station sent from said plurality of source set top boxes are received via telephone or cable (Paragraph [0013] and [0051] also exhibited on fig 3).

Regarding **claim 25;** McKissick, Danker and Oshita disclose the method of claim 20; moreover, McKissick discloses a source set top box connected via communication means with said service station (Paragraph [0013] [0051] also exhibited on fig 3).

Regarding **claims 26, 27 and 28,** McKissick, Danker and Oshita disclose all the limitations of claims 26, 27 and 28; therefore, claims 26, 27 and 28 are rejected for the same reasons as in claims 6, 7 and 8, respectively.

Regarding **claims 29, 30 and 31,** McKissick, Danker and Oshita disclose all the limitations of claims 29, 30 and 31; therefore, claims 29, 30 and 31 are rejected for the same reasons as in claims 14, 15 and 16, respectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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February 2, 2009

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